



Entered on Docket
November 01, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle", is positioned above the judge's name.

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO MARTIN IRWIN'S
CLAIM FILED IN WRONG DEBTOR'S
CASE; AND SUSTAINING OBJECTION
OF DTFD TO PROPOSED ALLOWANCE
OF CLAIM**

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

The Court having considered the “Objection of USACM Trust to Martin Irwin’s Claim Filed in Wrong Debtor’s Case; Objection of DTDF to Proposed Allowance of Claim” [Docket No. 4689] (the “Objection”); with appearances as set forth in the record at the hearing noted above; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

IT IS HEREBY ORDERED that:

1. The Objection is sustained;
2. Proof of Claim No. 10725-00598 is disallowed in its entirety as against USA Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC (“DTDF”); and
3. Martin Irwin’s equity interest in DTDF is allowed in the amount of \$24,023.66, as reflected in DTDF’s books and records as of April 13, 2006.

PREPARED AND RESPECTFULLY SUBMITTED BY:

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1 **RULE 9021 DECLARATION**

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3 ☐ The Court waived the requirements of LR 9021.
- 4 ☐ I have delivered a copy of the proposed order to the Office of the United States
- 5 Trustee and the parties who filed papers in response to the Objection or appeared at
- 6 the hearing noted above, and each has:
- 7 ☐ approved the form of this order; and/or
- 8 ☐ waived the right to review the order; and/or
- 9 ☐ failed to file and serve papers in accordance with LR 9021(c); and
- 10 the following have disapproved the form of the order:
- 11 n/a
- 12 ☒ No opposition was filed to the objection and no other party or counsel appeared at
- 13 the hearing.

14 **LEWIS AND ROCA, LLP**

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